

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Johannes Hakansson

Serial No.: 10/538,293

Filed: June 10, 2005

For: **CREATING EFFECTS FOR IMAGES**

Confirmation No.: 1566

Group Art Unit: 2622

Examiner: Henn, Timothy J.

Date: April 19, 2010

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on April 19, 2010.

Signature: \_\_\_\_\_

Kirsten S. Carlos

**APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. §41.41**

Sir:

This Reply Brief is filed in response to the Examiner's Answer mailed February 18, 2010.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

**I. The Examiner's Answer – Response to Argument**

Appellant will refrain herein from readdressing all of the deficiencies with the pending rejections and, therefore, in the interest of brevity, Appellant hereby incorporates herein the arguments set out in Appellant's Brief on Appeal filed November 20, 2009 (hereinafter "Brief") as if set forth in their entirety. Accordingly, Appellant will only address new arguments made in the Examiner's Answer.

In the "Response to Arguments" section beginning on page 6, the Examiner's Answer attempts to rebut Appellant's arguments set forth in Section IA of the Brief. Appellant will respond to the arguments in the Examiner's Answer for this section below.

The Examiner's Answer alleges that Nakami does not teach away from using the output control data on a printer for more than one image and provides an example scenario in which a user visits a museum and captures images and returns to the same museum to capture additional images. The Examiner's Answer then concludes that the user would want to use the same output control data on the printer to print these images from the museum. (Examiner's Answer, page 7).

Appellant submits that the Examiner's example with respect to the user taking pictures in a museum ignores the recitation in the independent claims that the multiple images are not associated with one another. In the example provided by the Examiner, the multiple images are associated with each other as being pictures of the same subject matter in the same location. Appellant submits that modifying Nakami to use the same output control data for each image when printing multiple images that are not associated with each other would defeat a primary goal of Nakami, which is to allow a photographer to print specific prints using customized settings according to the photographer's taste. According to MPEP Section 2143.01, "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

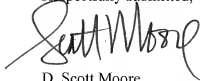
Thus, Appellant submits that the combination of Klein, Nakami, and Yokokawa fails to disclose or suggest, at least, transferring an effects file to another device, such that it is used for later application on more than one image, which are not associated with one another.

## **II. Conclusion**

For at least the reasons set forth above and in Appellant's Brief, Appellant requests reversal of the rejections of the pending claims, allowance of the pending claims, and passing of the application to issue.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Scott Moore". The signature is fluid and cursive, with a large initial "D" and "M".

D. Scott Moore  
Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. **20792**